

DECLARATION

As a below named inventor, I hereby declare that:

My residence, post office and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or the below named inventors believe they are the original, first and joint inventors (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **STRUCTURAL CAROTENOID ANALOGS FOR THE INHIBITION AND AMELIORATION OF DISEASE**, the specification of which:

- ☐ is attached herewith.
☒ was filed on July 29, 2003 as Application Serial No. 10/629,538.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, ~~as~~ amended by any amendment referred to above.

I acknowledge the duty to disclose to the Patent and Trademark Office all information known to me to be material to patentability of the subject matter claimed in this application, as "materiality" is defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

PRIOR FOREIGN APPLICATION(S)

| | | | <u>Priority Claimed</u> |
|----------|-----------|--------------|-------------------------|
| N/A | | | Yes/No |
| (Number) | (Country) | (Date Filed) | |
| N/A | | | Yes/No |
| (Number) | (Country) | (Date Filed) | |

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose all information known to me to be material to the patentability of the subject matter claimed in this application, as "materiality" is defined in Title 37, Code of Federal Regulations, § 1.56, which become available between the filing date of the prior application and the national or PCT international filing date of this application:

| N/A | | Pending |
|--------------------------|---------------|----------|
| (Application Serial No.) | (Filing Date) | (Status) |
| N/A | | Pending |
| (Application Serial No.) | (Filing Date) | (Status) |

I hereby claim the benefit under title 35, United States code §119(e) of any United States provisional application(s) listed below:

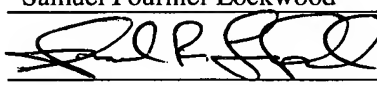
| | |
|---|---------------------------------------|
| <u>60/399,194</u> (Application Serial No.) | <u>July 29, 2002</u> (Filing Date) |
| <u>60/467,973</u> (Application Serial No.) | <u>May 5, 2003</u> (Filing Date) |
| <u>60/472,831</u> (Application Serial No.) | <u>May 22, 2003</u> (Filing Date) |
| <u>60/473,741</u> (Application Serial No.) | <u>May 28, 2003</u> (Filing Date) |
| <u>60/485,304</u> (Application Serial No.) | <u>July 3, 2003</u> (Filing Date) |

Please address all correspondence in connection with this application to: 1) customer number 35690; and 2)

Eric B. Meyertons
MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C.
P.O. Box 398
Austin, Texas 78767-0398
Ph: (512) 853-8800

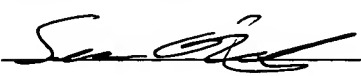
I hereby declare that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

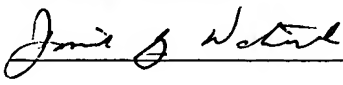
Inventor's Full Name: Samuel Fournier Lockwood

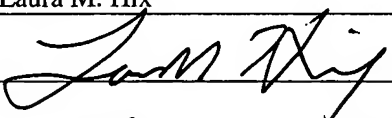
Inventor's Signature:  Date: 12-10-03

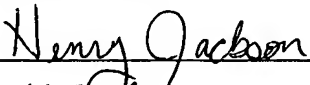
Country of Residence: USA Citizenship: USA

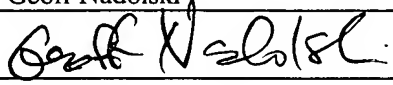
Residence Address: 6709 BAR-K Ranch Road, LAGO VISTA, TX 78645
(Include number, street name, city, state and zip code)

Inventor's Full Name: Sean O'Malley
Inventor's Signature:  Date: 12.2.03
Country of Residence: USA Citizenship: USA
Residence Address: 500 LUALILU HOME RD. #24M HONOLULU, HI 96825
(Include number, street name, city, state and zip code)

Dr
Inventor's Full Name: David ^{G.} B. Watumull
Inventor's Signature:  Date: 12-2-03
Country of Residence: USA Citizenship: USA
Residence Address: 3661-A WOODLAWN DR Honolulu, HI 96822
(Include number, street name, city, state and zip code)

Inventor's Full Name: Laura M. Hix
Inventor's Signature:  Date: 12-2-03
Country of Residence: USA Citizenship: USA
Residence Address: 500 University Ave., Apt 2407, Honolulu, HI 96826
(Include number, street name, city, state and zip code)

Inventor's Full Name: Henry Jackson
Inventor's Signature:  Date: 12/02/03
Country of Residence: USA Citizenship: USA
Residence Address: 250 Iolani Ave, apt. 402, Honolulu, HI 96813
(Include number, street name, city, state and zip code)

Inventor's Full Name: Geoff Nadolski
Inventor's Signature:  Date: 12-02-03
Country of Residence: U.S. Citizenship: United States
Residence Address: 51-636 Kam. Hwy. Apt. 615 Kaneohe, HI 96730
(Include number, street name, city, state and zip code)



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/629,538

§

Examiner: Unknown

Confirmation No.: 6864

§

Art Unit: Unknown

Filed: July 29, 2003

§

Atty. Dkt. No: 5777-00201

Inventor(s):

§

Lockwood et al.

§

§

§

§

§

§

§

§

§

§

Title: STRUCTURAL
CAROTENOID
ANALOGS FOR THE
INHIBITION AND
AMELIORATION OF
DISEASE

| |
|--|
| <p align="center">CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8</p> <p>DATE OF DEPOSIT: 1/28/04</p> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail on the date indicated above and is addressed to: Commissioner for Patents Alexandria, VA 22313-1450</p> <p align="center"> Jackie L. Pitre</p> |
|--|

ELECTION UNDER 37 C.F.R. §§ 3.71 AND 3.73 AND POWER OF ATTORNEY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The undersigned, being Assignee of record of the entire interest in the above-identified application by virtue of an assignment recorded in the United States Patent and Trademark Office as set forth below, hereby elects, under 37 C.F.R. § 3.71, to prosecute the application to the exclusion of the inventors.

The Assignee hereby revokes any previous Powers of Attorney and appoints: (1) the practitioners at Customer Number 35690; and (2)

| | |
|---------------------|-----------------|
| Mark K. Brightwell | Reg. No. 47,446 |
| Kay A. Colapret | Reg. No. 52,759 |
| Steve J. Curran | Reg. No. 50,664 |
| Mark R. DeLuca | Reg. No. 44,649 |
| Heather L. Flanagan | Reg. No. 54,101 |
| Russell Henrichs | Reg. No. 50,354 |
| Erik A. Heter | Reg. No. 50,652 |
| Jeffrey C. Hood | Reg. No. 35,198 |
| B. Noël Kivlin | Reg. No. 33,929 |
| Robert C. Kowert | Reg. No. 39,255 |
| Lawrence J. Merkel | Reg. No. 41,191 |
| Eric B. Meyertons | Reg. No. 34,876 |
| Neal E. Persky | Reg. No. 53,452 |
| Liza Philip | Reg. No. 51,352 |
| David W. Quimby | Reg. No. 39,338 |

Lockwood et al.
10/629,538

| | |
|------------------|-----------------|
| Rory D. Rankin | Reg. No. 47,884 |
| Gareth Sampson | Reg. No. 52,191 |
| Chris Thompson | Reg. No. 43,188 |
| Mark S. Williams | Reg. No. 50,658 |

each an attorney or agent of the firm of MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C., as its attorney or agent for so long as they remain with such firm, with full power of substitution and revocation, to prosecute the application, to make alterations and amendments therein, to transact all business in the Patent and Trademark Office in connection therewith, and to receive any Letters Patent, and for one year after issuance of such Letters Patent to file any request for a certificate of correction that may be deemed appropriate.

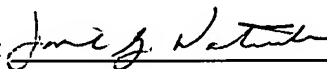
Pursuant to 37 C.F.R. § 3.73, the undersigned has reviewed the evidentiary documents, specifically the Assignment to Hawaii Biotech, Inc., referenced below, and certify that to the best of my knowledge and belief, title remains in the name of the Assignee.

Please direct all communications as follows:

Eric B. Meyertons, Esq.
MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C.
P.O. BOX 398
AUSTIN, TEXAS 78767-0398
(512) 853-8800 (voice)
(512) 853-8801 (facsimile)

ASSIGNEE:

HAWAII BIOTECH, INC.

By: 

Title: President & CEO

Date: 12-2-03

ASSIGNMENT: x Enclosed for recording



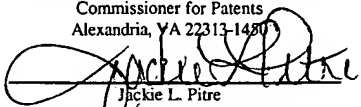
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/629,538
Confirmation No.: 6864
Filed: July 29, 2003
Inventor(s):
Lockwood et al.

Title: STRUCTURAL
CAROTENOID
ANALOGS FOR THE
INHIBITION AND
AMELIORATION OF
DISEASE

§ Examiner: Unknown
§ Art Unit: Unknown
§ Atty. Dkt. No: 5777-00201
§
§
§
§
§
§
§
§
§
§

| |
|---|
| <p>CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8 DATE OF DEPOSIT: 1/28/04 I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail on the date indicated above and is addressed to: Commissioner for Patents Alexandria, VA 22313-1450  Jackie L. Pitre</p> |
|---|

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
SMALL BUSINESS CONCERN

I hereby declare that I am

- ☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act on behalf of the concern
identified below:

NAME OF CONCERN: Hawaii Biotech, Inc.
ADDRESS OF CONCERN: 99-193 Aiea Heights Dr., Suite 236
Aiea, HI 96701

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18 for purposes of paying reduced fees under Section 41(h) of Title 35 United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

Lockwood et al.
10/629,538

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled **"STRUCTURAL CAROTENOID ANALOGS FOR THE INHIBITION AND AMELIORATION OF DISEASE"** by inventor(s) described in

- ☐ the specification filed herewith.
☒ application serial no.: 10/629,538, filed July 29, 2003.
☐ patent no.: _____, issued _____.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.27(a)(2) or by any concern which would not qualify as a small business concern under 37 CFR 1.27(a)(2) or a nonprofit organization under 37 CFR 1.27(a)(3).

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities.

FULL NAME:

ADDRESS:

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: David G. Watumull

TITLE OF PERSON OTHER THAN OWNER: President & CEO

SIGNATURE: *David G. Watumull* DATE: 12-2-03